

64-52

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG
JOHN L. HAYDEN
DANA T. LOWELL

KATHARINE E. TOY, CLERK
TELEPHONE
CE 5-1664

Petition of Lee Chevrolet Company, Inc.

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:25 p.m. on October 28, 1964, on the petition of Lee Chevrolet Company, Inc. requesting a temporary permit under Section XXIV E of the Zoning By-law, to park motor vehicles in connection with the business of the petitioner on the premises at 15 Abbott Road.

Frederic B. Dailey, attorney, represented the petitioner at the hearing.

James E. Lee, President of Lee Chevrolet Company, Inc., Robert Lee and Robert Farrell, both members of the company, also spoke in favor of the petition.

The following spoke in opposition to granting the request: Edward C. Bryant, 23 Abbott Road, Carter H. Hites, Jr., 39 Abbott Road, Paul Rutledge, 656 Worcester Street, Hazel Morgan and Dorothy Morgan 3 Caroline Street, Margaret M. Broderick, 93 Abbott Road, Richard P. Axten, 96 Abbott Road, John H. Smolen, 29 Abbott Road, John F. Peirson, 101 Abbott Road and James J. Lanigan, 19 Abbott Road.

The Planning Board opposed the granting of the request in its report.

On September 21, 1964, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The premises involved are located within a single-residence district, and adjoin business property in the rear, occupied by the new Lee Chevrolet building. There is a dwelling house located on the lot at present and the petitioner proposes to raze the dwelling and seeks permission to use the entire lot for the parking of motor vehicles in connection with its business. The petitioner alleged that it has a real need for more parking space in the conduct of its business. The property across the street at the corner of Abbott Road and Bemis Road was recently rezoned from Single-residence to Single-residence "A" which allows the parking of motor vehicles. In the opinion of the petitioner, the proposed use of the land will not increase traffic or introduce offensive sounds or odors to the area.

Decision

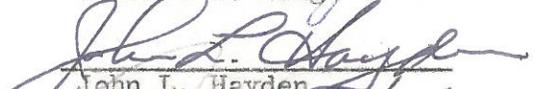
Section XXIV E 1. of the Zoning By-law provides that in specific cases, when the Board finds that a real need exists and that the proposed non-conforming use will not substantially reduce the value of any

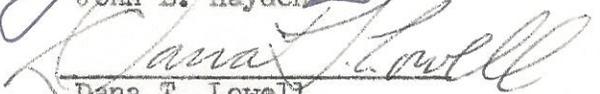
property within the district, or otherwise injure the neighborhood, it may grant temporary and conditional permits for non-conforming uses in any district in the Town for a period of not more than one year at a time.

The evidence presented revealed nothing to indicate that the need for parking space is temporary or that any other remedy may be expected to make the remedy sought temporary. It is proposed to tear down the residence now on the premises and surface the area. These proposals indicate that if granted, this Board would be expected to permit the non-conforming use to continue indefinitely. As we have repeatedly held Section XXIV, E 1. does not authorize this Board to permit non-conforming uses which, if granted, are intended and expected to be permanent. Moreover, if we had the authority to grant the requested permit we would not do so because we could not find that to convert the premises into a parking space with or without black-top would not substantially reduce the value of any property within the district or that it would not otherwise injure the neighborhood. On the contrary we think it would reduce values and injure the residential property in the neighborhood by reducing its esthetic values.

The petition, therefore, is denied.


Garrett S. Hoag


John L. Hayden


Dana T. Lowell

Filed with Town Clerk _____

RECEIVED
TOWN OF CHEVROLET
MAY 1 1952

Abbot

(PUBLIC - 40' WIDE)

Road

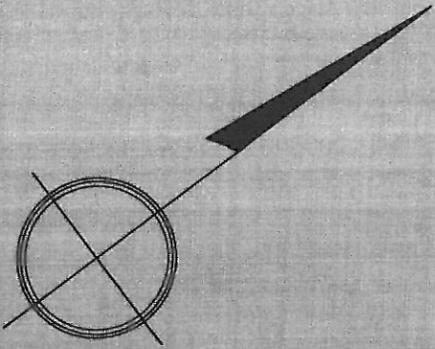
Fnd. S.B.d.h.

Fnd. S.B.
d.h.

80.00'

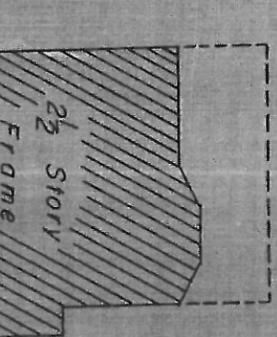
62.89'

Area to be rezoned for
BUSINESS



Salvatore Jr. & Mario DeFazio

127.48'



127.96'

James J. & Christine J. Lanigan

SINGLE RESIDENCE EXIST. ZONE
BUSINESS

LOT 1
10,216 sq. ft.

8000'

James E. Lee

Approved by:
WELLESLEY BOARD OF APPEALS

Date: _____

Plan of Land WELLESLEY, in MASS.

(Showing Area to be Rezoned for Business)

Scale: 1" = 20'

Sept. 2, 1964

Plan by:

MacCarthy Engineering Service Inc. Natick, Mass.
Nashoba Survey Co. Inc. Marlborough, Mass.

